

ROANOKE CITY COUNCIL

OCTOBER 7, 2004

12:00 p.m.

EMERGENCY OPERATIONS CENTER CONFERENCE ROOM

ROOM 159

The Council of the City of Roanoke and the Board of Commissioners of the Roanoke Redevelopment and Housing Authority (RRHA) met in a joint meeting on Thursday, October 7, 2004, at 12:00 p.m., in the Emergency Operations Center Conference Room, Room 159, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Vice-Mayor Beverly T. Fitzpatrick, Jr., and Chairman Ben J. Fink presiding.

ROANOKE CITY COUNCIL MEMBERS PRESENT: M. Rupert Cutler, Sherman P. Lea, Brenda L. McDaniel, Brian J. Wishneff (arrived at 12:45 p.m.) and Vice-Mayor Beverly T. Fitzpatrick, Jr.-----5.

ABSENT: Mayor C. Nelson Harris and Council Member Alfred T. Dowe, Jr.-----2.

ROANOKE REDEVELOPMENT AND HOUSING AUTHORITY BOARD OF COMMISSIONERS PRESENT: Gregory W. Feldmann, Anita M. Powell, Christie L. Wills and Chairman Ben J. Fink-----4.

ABSENT: Commissioner Gregory M. Cupka-----1.

(The terms of office of Commissioners H. Victor Gilchrist and James W. Burks, Jr., expired on August 31, 2004.)

OTHERS PRESENT: Representing the City of Roanoke: George C. Snead, Jr., Assistant City Manager for Operations; Rolanda B. Russell, Assistant City Manager for Community Development; Jesse A. Hall, Director of Finance; Timothy Spencer, Assistant City Attorney; and Mary F. Parker, City Clerk. Representing the RRHA: John P. Baker, Executive Director; Earl B. Reynolds, Jr., Deputy Executive Director; John P. Grove, Attorney; and Sue Marie Worline, Secretary.

The meeting was opened with a prayer by Vice-Mayor Fitzpatrick.

HOUSING/AUTHORITY: Following lunch, the Vice-Mayor welcomed Commissioners of the Roanoke Redevelopment and Housing Authority and staff to the meeting. He expressed appreciation to the RRHA for continuing partnership efforts with the City, and welcomed newly appointed Commissioner Anita Powell to her first joint meeting of Council and the RRHA.

The Vice-Mayor referred specifically to the Southeast by Design project and the efficiency of the RRHA in the handling of various documents in connection with the project. He made reference to a recent comment by an unidentified person that it is interesting to see City government and the private sector working together on a project such as Southeast by Design. He called attention to the importance of continuing to hold joint meetings of the Council and the RRHA to discuss matters of mutual interest and concern to both entities. He noted that the Memorandum of Understanding between Council and the RRHA was to be discussed at the meeting, but inasmuch as the Mayor and the City Manager were not present, the item would be held in abeyance for discussion at a future joint meeting.

On behalf of the RRHA, Chairman Fink expressed appreciation for the opportunity to meet with Council and for the kind of working relationship that has existed between the Council and the RRHA.

OVERVIEW OF THE HENRY STREET PROGRAM (TAP, DUMAS, ROANOKE HIGHER EDUCATION CENTER, AND THE CULINARY INSTITUTE):

Chairman Fink advised that it is hoped that the Roanoke Neighborhood Development Corporation (RNDC) will propose a viable project in the near future for the Henry Street area. He referred to the site of the Dumas Center and two adjacent parcels of land and advised that Total Action Against Poverty (TAP) has requested that the Board of Commissioners donate certain land adjacent to the Dumas for the project; and TAP has provided financial information that will be reviewed by the Board of Commissioners at its November meeting. He stated that the Board of Commissioners is waiting to hear from the Executive Director of the Roanoke Higher Education Center regarding the status of the Culinary Institute which is planned for the old Ebony Club building and the small building next to the structure.

The Vice-Mayor made the observation that Henry Street has been a topic of discussion for a long time, yet nothing is currently underway that would create a critical mass; and Council has taken a leadership role by determining the bridge location which should help RNDC and the RRHA in considering potential opportunities for the area. He called attention to the importance of proactively assisting RNDC and advised that The Hotel Roanoke and Conference Center, the Roanoke Higher Education Center and new parking has provided a level of synergy around the property. He asked that the RRHA advise as to how Council might be of assistance to RNDC and to the RRHA in their efforts to move forward in this vibrant part of the City.

Council Member Cutler expressed concern that there has been a kind of piecemeal approach to this sub region of the City that includes the RRHA, RNDC, TAP, the Dumas Center, the Roanoke Higher Education Center, the Culinary Arts project, the First Street Bridge, the river walk across the rail walk, the Oliver Hill house, and Lick Run Greenway. He spoke in support of integration of the various projects.

The Vice-Mayor requested that City staff and RRHA staff determine if there is an opportunity for representatives of the two entities to come together to discuss ways to create more of a sense of urgency to get something done in the Henry Street area.

Council Member Wishneff entered the meeting.

Council Member McDaniel inquired if there is an umbrella organization that is charged with the responsibility of over seeing the various projects; whereupon, the Vice-Mayor advised that the RRHA would be the appropriate entity to call all of the parties to the table for discussion.

Chairman Fink advised that the RRHA Board of Commissioners will review the request with staff and submit a recommendation to Council.

Commissioner Feldmann advised that the role of the RRHA is to serve as a catalyst for this type of activity which will tie in with future discussions on the Memorandum of Understanding between Council and the RRHA. He stated that the Downtown Music Lab will also play a role in the development of the Henry Street area.

Mr. Snead advised that he will convey the message of Council to the City Manager as to the importance of a round table, thorough and complete discussion regarding the Henry Street area by engaging all of the key players to ensure that all components are addressed.

OTHER DISCUSSION ITEMS:

A question was raised with regard to Project Gold (Gainsboro Project); whereupon, the Executive Director advised that the RRHA has partnered with Blue Ridge Housing Development Corporation, the community has been advised of opportunities for housing rehabilitation, applications are currently being accepted for rehabilitation loans, rehabilitation efforts will focus on occupied buildings, and Blue Ridge Housing Development Corporation is looking at opportunities to purchase land and vacant houses to rehabilitate and to sell.

Chairman Fink called attention to a revitalization area known as Cherry Avenue in the Gainsboro area will have an impact on the Gainsboro community, which will target rehabilitation funds for the neighborhood and could provide housing in the price range of \$150,000.00 or more.

The Executive Director advised that the RRHA recently received a \$250,000.00 Neighborhood Network Grant which was made available to localities that administer Hope VI programs. He stated that as a result of the Villages at Lincoln, the RRHA competed with 44 cities throughout the United States and was chosen as one of 20 cities to be awarded a \$250,000.00 grant to help residents in their efforts to reach self-sufficiency. He explained that the grant will be used to help coordinate efforts to provide training and resources through computers, using online services, and training will focus on all age groups.

Question was raised in regard to the lead-based paint project; whereupon, the Executive Director advised that corrective action has commenced on the first group of houses, which varies from the removal of flaking paint, to painting over the structure, to encapsulating with siding, and/or other more major types of rehabilitation.

In closing, Vice-Mayor Fitzpatrick commended the RRHA on the transformation that resulted from the Hope VI Project which appears to have brought a much better quality of life to public housing residents. He further commended the Housing Authority on a smooth transition of residents from one part of the housing complex to another during the construction phase, and overall efforts by the RRHA to help residents become self-sufficient.

COUNCIL: A communication from Vice-Mayor Beverly T. Fitzpatrick, Jr., requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committee appointed by Council, and to interview applicants for vacancies on the Roanoke Redevelopment and Housing Authority and the Architectural Review Board, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended, was before the body.

Mr. Cutler moved that Council convene in a Closed Meeting as above described. The motion was seconded by Ms. McDaniel and adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, and Vice-Mayor Fitzpatrick-----5.

NAYS: None-----0.

(Mayor Harris and Council Member Dowe were absent.)

There being no further business, at 1:10 p.m., the Vice-Mayor declared the meeting of Council in recess until 2:00 p.m., in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke.

REGULAR WEEKLY SESSION-----ROANOKE CITY COUNCIL

October 7, 2004

2:00 p.m.

The Council of the City of Roanoke met in regular session on Thursday, October 7, 2004, at 2:00 p.m., the regular meeting hour, in the Roanoke City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Vice-Mayor Beverly T. Fitzpatrick, Jr., presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended, and pursuant to Resolution No. 36861-092004 adopted by Council on September 20, 2004, which changed the time of commencement of the regular meeting of Council to be held at 9:00 a.m., on Thursday, October 7, 2004, to 12:00 p.m., and pursuant to Resolution No. 36762-070604 adopted by Council on Tuesday, July 6, 2004, which established the meeting schedule for the fiscal year commencing July 1, 2004 and ending June 30, 2005.

PRESENT: Council Members Sherman P. Lea, Brenda L. McDaniel, Brian J. Wishneff, M. Rupert Cutler, and Vice-Mayor Beverly T. Fitzpatrick, Jr.-----5.

ABSENT: Mayor C. Nelson Harris and Council Member Alfred T. Dowe, Jr.-----2.

The Vice-Mayor declared the existence of a quorum.

OFFICERS PRESENT: George C. Snead, Jr., Assistant City Manager for Operations; Timothy Spencer, Assistant City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The invocation was delivered by Council Member Sherman P. Lea.

The Pledge of Allegiance to the Flag of the United States of America was led by Vice-Mayor Fitzpatrick.

PRESENTATIONS AND ACKNOWLEDGMENTS:

PROCLAMATIONS-DISABLED PERSONS: The Vice-Mayor presented a proclamation to Christene Montgomery, Chair, Mayor's Committee for People with Disabilities, declaring October 2004, as National Disability Employment Awareness Month.

PROCLAMATIONS-HEALTH DEPARTMENT: The Vice-Mayor presented a proclamation to Charles Wohlford, President NAMI of Roanoke Valley, declaring October 3 - 9, 2004, as Mental Illness Awareness Week.

PROCLAMATIONS–FIRE DEPARTMENT: The Vice-Mayor presented a proclamation to James Grigsby, Chief of Fire/Ems, declaring October 3 – 9, 2004, as Fire Prevention Week.

CONSENT AGENDA

The Vice-Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, the item would be removed from the Consent Agenda and considered separately.

DIRECTOR OF FINANCE–CITY CLERK–OATHS OF OFFICE–FIRE DEPARTMENT–CITY ATTORNEY–COMMITTEES–HOUSING/AUTHORITY–CABLE TELEVISION–PARKS AND RECREATION–MUNICIPAL AUDITOR: The following reports of qualification were before Council:

William M. Hackworth as City Attorney; Jesse A. Hall as Director of Finance; Mary F. Parker as City Clerk; and Troy A. Harmon as Municipal Auditor, for two year terms of office, commencing October 1, 2004, and ending September 30, 2006;

Roger B. Holnback as a member of the Parks and Recreation Advisory Board, for a term ending March 31, 2007;

Edwin L. Noell as a member of the Board of Fire Appeals, for a term ending June 30, 2008;

Althea L. Pilkington as a member of the Roanoke Neighborhood Advocates, to fill the unexpired term of Joseph A. Schupp, resigned, ending June 30, 2006; and

Anita M. Powell as a Commissioner of the Roanoke Redevelopment and Housing Authority, for a term ending August 31, 2008.

Mr. Cutler moved that the reports of qualification be received and filed. The motion was seconded by Ms. McDaniel and adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, and Vice-Mayor Fitzpatrick-----5.

NAYS: None-----0.

(Mayor Harris and Council Member Dowe were absent.)

REGULAR AGENDA

PUBLIC HEARINGS: NONE.

PETITIONS AND COMMUNICATIONS: NONE.

REPORTS OF OFFICERS:

CITY MANAGER:

BRIEFINGS: NONE.

ITEMS RECOMMENDED FOR ACTION:

HOUSING/AUTHORITY-GRANTS: The City Manager submitted a communication advising that since 1996, Blue Ridge Housing Development Corporation (BRHDC) has successfully conducted housing programs for the City of Roanoke using Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (HOME) funds; on May 13, 2004, Council authorized Blue Ridge Housing Development Corporation's 2004-2005 Community Development Block Grant and HOME activities and funding pursuant to Resolution No. 36695-051304, which approved the City's 2004-2005 Annual Update to the Consolidated Plan for submission to the U. S. Department of Housing and Urban Development; Council accepted 2004-2005 Community Development Block Grant and HOME funds on June 21, 2004, pursuant to Ordinance No. 36719-062104 and Resolution No. 36720-062104, pending approval from HUD; and grant agreements with HUD have since been signed.

It was further advised that in order for Blue Ridge Housing Development Corporation to conduct its approved 2004-2005 housing activities, authorization by Council to execute a subgrant agreement with BRHDC is needed; the necessary Community Development Block Grant and HOME funding is available and identified in an attachment to the communication; and a total of \$513,147.00 will be provided to Blue Ridge Housing Development Corporation under the agreement for new homeownership activities.

The City Manager recommended that she be authorized to execute the 2004-2005 Community Development Block Grant/HOME Subgrant Agreement with Blue Ridge Housing Development Corporation, to be approved as to form by the City Attorney.

Mr. Cutler offered the following resolution:

(#36867-100704) A RESOLUTION authorizing the appropriate City officials to execute the subgrant Agreement with the Blue Ridge Housing Development Corporation to conduct 2004-2005 housing activities using Community Development Block Grant ("CDBG") and HOME Investment Partnerships Program funds in the amount of \$513,147.00, upon certain terms and conditions.

(For full text of resolution, see Resolution Book No. 69, Page 137.)

Mr. Cutler moved the adoption of Resolution No. 36867-100704. The motion was seconded by Ms. McDaniel and adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, and Vice-Mayor Fitzpatrick-----5.

NAYS: None-----0.

(Mayor Harris and Council Member Dowe were absent.)

HEALTH DEPARTMENT-BUDGET-HUMAN DEVELOPMENT: The City Manager submitted a communication advising that the City of Roanoke Department of Social Services and the State Health Department entered into an agreement in 1994 to establish an Eligibility Worker position through the Department of Social Services to be placed at the Roanoke Health Department to ensure that all citizens have an opportunity to apply for Medicaid; and the Agreement will remain in effect until modified by mutual consent or operation of law.

It was further advised that total cost of the position is \$38,050.00; and approximately 50 per cent of the cost will be reimbursed from Federal Medicaid administrative funds, with the Health Department reimbursing the remaining cost.

The City Manager recommended that she be authorized to continue the services of the Eligibility Worker stationed at the Health Department in accordance with the original agreement; that Council appropriate funds, as follows, in accounts to be established in the Grant Fund by the Director of Finance; and establish a revenue estimate of \$38,050.00 from State and Federal sources.

• Salary	\$28,874.00
• City Retirement	2,823.00
• ICMA Match	650.00
• FICA	2,104.00
• Health Ins.	3,300.00
• Dental Ins.	221.00
• Disability Ins.	<u>78.00</u>
	<u>\$38,050.00</u>

Ms. McDaniel offered the following budget ordinance:

(#36868-100704) AN ORDINANCE to appropriate funding for the Eligibility Worker position, amending and reordaining certain sections of the 2004-2005 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 138.)

Ms. McDaniel moved the adoption of Ordinance No. 36868-100704. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, and Vice-Mayor Fitzpatrick-----5.

NAYS: None-----0.

(Mayor Harris and Council Member Dowe were absent.)

Mr. Cutler offered the following resolution:

(#36869-100704) A RESOLUTION authorizing the City Manager to continue the services of the Eligibility Worker stationed at the Health Department in accordance with the original Agreement between the Roanoke City Department of Social Services, the State Health Department and the Virginia Department of Social Services, upon certain terms and conditions.

(For full text of resolution, see Resolution Book No. 69, Page 139.)

Mr. Cutler moved the adoption of Resolution No. 36869-100704. The motion was seconded by Mr. Lea and adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, and Vice-Mayor Fitzpatrick-----5.

NAYS: None-----0.

(Mayor Harris and Council Member Dowe were absent.)

POLICE DEPARTMENT-BUDGET-DIVISION OF MOTOR VEHICLES-GRANTS:
The City Manager submitted a communication advising that the Virginia Department of Motor Vehicles (DMV) is the administering agency for pass through funds provided by the United States Department of Transportation for highway safety projects in Virginia; and DMV offers funds to successful applicants for activities which improve highway safety in Virginia.

It was further advised that the Roanoke Police Department has been awarded grant funding for the period October 1, 2004 through September 30, 2005, in the amount of \$20,000.00 for the following projects:

Overtime and related FICA expenditures associated with conducting selective enforcement activities which target Driving Under the Influence (DUI), speeding, and motor vehicle occupant safety.

For the purchase of 32 rechargeable battery-powered flare/flasher units.

For the purchase one 5' x 8' DUI checkpoint trailer.

For the purchase of radar units and portable traffic sensors and software. The equipment will be used to monitor speed and enforce traffic laws during periodic aggressive driver enforcement initiatives.

It was explained that there is a statistical correlation between levels of motor vehicle law enforcement and traffic accidents in the City of Roanoke; historically, speed and alcohol are factors in 17 per cent of Roanoke's motor vehicle accidents; and the program allows police officers to concentrate on alcohol impaired drivers and speeders at times when such violations are most likely to occur.

The City Manager recommended that Council accept the Driver/Occupant Awareness grant, and that she be authorized to execute grant agreements and any related documents, subject to approval as to form by the City Attorney; and that Council appropriate funds totaling \$20,000.00 and establish corresponding revenue estimates in accounts to be established by the Director of Finance in the Grant Fund.

Ms. McDaniel offered the following budget ordinance:

(#36870-100704) AN ORDINANCE to appropriate funding for the Driver/Occupant Awareness Grant, the Flare Flasher DUI Checkpoint Trailer Grant and the Enhanced Speed Enforcement Grant, amending and reordaining certain sections of the 2004-2005 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 140.)

Ms. McDaniel moved the adoption of Ordinance No. 36870-100704. The motion was seconded by Mr. Lea and adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, and Vice-Mayor Fitzpatrick-----5.

NAYS: None-----0.

(Mayor Harris and Council Member Dowe were absent.)

Ms. McDaniel offered the following resolution:

(#36871-100704) A RESOLUTION accepting the Driver/Occupant Awareness grant offer made to the City by the Virginia Department of Motor Vehicles, and authorizing execution of any required documentation approved as to form by the City Attorney.

(For full text of resolution, see Resolution Book No. 69, Page 141.)

Ms. McDaniel moved the adoption of Resolution No. 36871-100704. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, and Vice-Mayor Fitzpatrick-----5.

NAYS: None-----0.

(Mayor Harris and Council Member Dowe were absent.)

EMERGENCY SERVICES-FLOOD REDUCTION/CONTROL: The City Manager submitted a communication advising that the City experienced a flood event commencing on Tuesday, September 28, 2004, which resulted in both public and private damage and significant cost to the City in dealing with the impact of the emergency; and an initial estimate of cost for the event, including damage to public property and damage to homes and businesses, is estimated at \$4 million, which estimates are subject to change as findings are updated and insurance estimates are received.

It was further advised that damage estimates, the slow economy, and reductions in State funding limit the City's ability to cover the cost of expenses resulting from these events; on September 28, 2004, the City Manager declared a local emergency as a result of the flood.

It was explained that the declaration of a local emergency does not automatically guarantee that State and Federal financial assistance will be provided; and the Governor will make a decision on whether or not to request Federal assistance, once state-wide damage estimates are received.

The City Manager recommended that Council confirm her action to declare the existence of a local emergency for a flood commencing on September 28, 2004.

Mr. Cutler offered the following resolution:

(#36872-100704) A RESOLUTION confirming the declaration of a local flooding emergency; conferring emergency powers in the City Manager as Director of Emergency Management; authorizing the City Manager to make application for Federal and State public assistance to deal with such emergency; designating a fiscal agent and an agent for submission of financial information for the city; and calling upon the Federal and State governments for assistance.

(For full text of resolution, see Resolution Book No. 69, Page 142.)

Mr. Cutler moved the adoption of Resolution No. 36872-100704. The motion was seconded by Ms. McDaniel.

Mr. Chris Craft, 1501 East Gate Avenue, N. E., advised that Victory Stadium would not have flooded if the flood wall had been constructed. He stated that Victory Stadium and the football field could have been ready for local high school football games if more attention had been given to cleaning up the facility following the recent flood event in the City of Roanoke.

Resolution No. 36872-100704 was adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, and Vice-Mayor Fitzpatrick-----5.

NAYS: None-----0.

(Mayor Harris and Council Member Dowe were absent.)

DIRECTOR OF FINANCE:

AUDITS/FINANCIAL REPORTS: The Director of Finance submitted the Financial Report for the City of Roanoke for the month of August 2004.

(For full text, see financial report on file in the City Clerk's Office.)

Without objection by Council, the Mayor advised that the Financial Report for the month of August 2004 would be received and filed.

REPORTS OF COMMITTEES: NONE.

UNFINISHED BUSINESS: NONE.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:

BONDS/BOND ISSUES-SCHOOLS: A communication from George J. A. Clemo, Attorney, advising that on August 16, 2004, Council adopted Resolution No. 36816-081604 authorizing the filing of an application with the Virginia Public School Authority (VPSA) for bond financing of \$1,300,000.00 for capital improvements at Lincoln Terrace Elementary School and authorizing publication of a notice for public hearing required under the Public Finance Act before the bonds may be issued; a Virginia Public School Authority application was filed on August 25, 2004; and a public hearing was held by Council on September 7, 2004, on the proposed bond issue, was before the body.

Mr. Cutler offered the following resolution:

(#36873-100704) A RESOLUTION authorizing the issuance of not to exceed \$1,300,000.00 general obligation school bonds of the City of Roanoke, Virginia, Series 2004-A, to be sold to the Virginia Public School Authority and providing for the form and details thereof.

(For full text of resolution, see Resolution Book No. 69, Page 143.)

Mr. Cutler moved the adoption of Resolution No. 36873-100704. The motion was seconded by Ms. McDaniel and adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, and Vice-Mayor Fitzpatrick-----5.

NAYS: None-----0.

(Mayor Harris and Council Member Dowe were absent.)

MOTIONS AND MISCELLANEOUS BUSINESS:

INQUIRIES AND/OR COMMENTS BY THE MAYOR AND MEMBERS OF COUNCIL:

ARMORY/STADIUM - CITY COUNCIL - FLOOD REDUCTION/CONTROL-SCHOOLS: Council Member Wishneff advised that at the next meeting of Council on Monday, October 18, 2004, when all members of the Council and the City Manager are in attendance, he would request a closed meeting of Council to discuss the performance of certain City personnel.

He expressed concern in regard to recent newspaper articles regarding flooding conditions at Victory Stadium as a result of Hurricane Jeanne on September 28, 2004, and remarks by certain City employees relative to whether flooding would have occurred if the flood wall had been constructed. He stated that there is no higher priority in the City of Roanoke than its youth, and expressed concern over the City's apparent lack of efforts to clean up Victory Stadium following the flood in time for the Patrick Henry High School Homecoming Football Game which was scheduled to be played on Friday, October 8.

Council Member Lea concurred in the remarks of Mr. Wishneff and spoke in support of developing a contingency plan to move high school football games to other venues in the Roanoke area if the Victory Stadium field is not in a condition to allow for high school football games to be played during the remainder of the season. He expressed concern that the City's efforts to clean up Victory Stadium appeared to be lagging behind those of another Roanoke Valley locality.

George C. Snead, Jr., Assistant City Manager for Operations, was requested to provide a status report on the condition of the Victory Stadium field.

Mr. Snead called attention to previous remarks regarding the condition of the Moyer Sports Complex in the City of Salem, which was cleaned up following the flood and is now ready for use. He explained that the Moyer Sports Complex contains a substantial amount of sand as a part of the field substructure in both the end field and the grassed area and has a tendency to drain faster than Victory Stadium which has very little sand in its subsoil base and tends to drain slowly, therefore, it is a challenge to maintain the field when it is saturated. He stated that in examining the condition of Victory Stadium following the flood, it was the opinion of City staff that since the field was highly saturated, there would be more damage to the field if the football game were allowed to be played, therefore, a decision was made to not allow activity on the Victory Stadium field in an effort to salvage the field for the balance of the football season. He advised that a considerable amount of work was done on the inside of Victory Stadium, i.e.: public restrooms and locker rooms, etc., but no water was interjected around the track area or on the stadium field.

In response to Mr. Lea's question, Mr. Snead advised that there were conversations with school principals and athletic directors in regard to evaluating the Victory Stadium field and reaching a consensus on its playability for football, and no discussions have taken place with school officials in regard to identifying a contingency plan.

Vice-Mayor Fitzpatrick advised that the City has experienced three flood events in the last 60 days, over 100 homes and 43 businesses were flooded and City staff is continuing to clean mud ridden streets throughout the City of Roanoke. Therefore, he stated that the issue is not just cleaning up Victory Stadium, but the entire City of Roanoke. He stated that as a result of the questions and concerns raised by some Members of Council, it is hoped that the City administration will provide more detail on where the City spent the majority of staff time and money and any other staff issues that the majority of Council would like to address relative to Victory Stadium.

Mr. Snead reviewed flood-related activities that were addressed by City staff during the first approximately 72 hours following the September 28, 2004, flood event; i.e.: the Swift Water Rescue Team responded to approximately 50 calls in the Roanoke Valley, occupants of businesses and private homes were assisted in connection with pumping out basements and removal of personal items, the Police Department responded to hundreds of calls in the first 12 hour period with regard to traffic related issues, street closings, etc., the 911 Center addressed concerns of citizens, the City Engineer's Office identified and responded to drainage complaints, the Solid Waste Management division addressed challenges in connection with solid waste pickup, the Streets and Traffic department dealt with issues surrounding two mud slides in the City, Civic Center staff addressed issues at Victory Stadium and created a shelter for displaced citizens and a base of operation for the local chapter of the American Red Cross, the Sheriff's Department provided assistance with various types of issues, staff of the Social Services and Human Services Departments were placed on stand by in the event that it became necessary to activate the phone bank in

the Emergency Operations Center of the Municipal Building, and the Department of Real Estate Valuation assisted with assessment of damages to property which enabled the City to submit its assessment report in the required 72 hour time period. He advised that to date, approximately 43 businesses have reported substantial water damage, 25 truckloads of debris were removed from the public streets and approximately 100 tons of gravel and stone were used to stabilize edges of streets and rights-of-way to prevent further damage; Parks and Recreation staff continues to clean up along the greenway system, and the Wastewater Treatment Plant was out of commission for approximately ten days as a result of substantial damage to the main treatment building, however, the plant is now functioning under the tertiary three step process

The Vice-Mayor entertained a motion that the City Attorney be instructed to prepare the proper measure expressing appreciation to City employees and to the citizens of Roanoke for their efforts in connection with cleaning up the City of Roanoke following the flood event on September 28, 2004, as a result of Hurricane Jeanne; whereupon, on motion of Mr. Cutler, seconded by Ms. McDaniel, the motion was adopted.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Vice-Mayor advised that Council sets this time as a priority for citizens to be heard and matters requiring referral to the City Manager will be referred immediately for response, recommendation or report to Council.

ARMORY/STADIUM-FLOOD REDUCTION/CONTROL-SCHOOLS: Mr. Chris Craft, 1501 East Gate Avenue, N. E., advised that a representative, age 30 or younger, should be appointed to the Stadium Study Committee. He stated that cleaning up Victory Stadium should be a priority of the City so that the Patrick Henry High School Homecoming football game can be played on Friday, October 8, 2004.

ARMORY/STADIUM-FLOOD REDUCTION/CONTROL-SCHOOLS: Ms. Lisa S. Updike, 2803 Woodlawn Avenue, S. W., advised that it should not be implied that Victory Stadium is a bigger priority than the safety of Roanoke's citizens, their homes, or their livelihood, but citizens believe that the City of Roanoke should be held accountable to support and to provide adequate maintenance at Victory Stadium. She stated that the needs and desires of Roanoke's children are not a small issue; and Roanoke's school community consists of 1800 students enrolled at Patrick Henry High School and 1400 students at William Fleming High School with families who pay taxes in the City of Roanoke. She added that high school football and other sporting events build school comradeship and to disappoint the school community by not appropriately addressing clean up efforts at Victory Stadium is a serious disappointment to Roanoke's youth. She called attention to conflicting information that was provided by City staff and School staff regarding the field at Victory Stadium; therefore, it is requested that Council intervene and provide positive and immediate activity in regard to the Victory Stadium field so that high school football can be played on the evening of October 8.

Ms. Carol Brash, 2259 Westover Avenue, S. W., President, Patrick Henry PTSA; past President, Roanoke Central Council PTA; and a member of the Patrick Henry High School Athletic Boosters Club, advised that the Central Council PTA adopted a resolution urging Council to take immediate action to clean up the Victory Stadium field. She stated that the issue is more wide spread than a high school football game, and involves an overall community issue, especially in view of past negative publicity about Roanoke's schools and conditions surrounding construction at Patrick Henry High School. Therefore, she added that the ability to play football on the home turf is important to students, staff, parents and the community. She advised that Roanoke's students deserve to play their games in the City of Roanoke where their families can attend to lend support, and asked that Council hold City staff accountable for cleaning up Victory Stadium and forget about the politics of whether Victory Stadium will be renovated or a new stadium will be constructed.

COMPLAINTS-ARMORY/STADIUM: Mr. Robert Gravely, 729 Loudon Avenue, N. W., advised that there is confusion as to which City department is responsible for cleaning up Victory Stadium. He expressed concern with regard to the overall lack of cleanliness of the City of Roanoke.

ARMORY/STADIUM-FLOOD REDUCTION/CONTROL-SCHOOLS-COUNCIL: Ms. Helen E. Davis, 35 Patton Avenue, N. E., concurred in the remarks of Ms. Updike and Ms. Brash, and advised that Victory Stadium has been neglected by the City of Roanoke for some time. She stated that all citizens are concerned about the impact of the flood on Roanoke's citizens and businesses. She asked that Members of Council be allowed to state their opinions in public session, but when there is disagreement among the Council, it would be more professional to address issues of concern in a private setting, as opposed to the open Council forum.

ACTING CITY MANAGER COMMENTS: NONE.

At 3:30 p.m., the Vice-Mayor declared the meeting in recess for one Closed Session.

At 5:45 p.m., the Council meeting reconvened in the Council Chamber, with Vice-Mayor Fitzpatrick presiding, and all Members of the Council in attendance, with exception of Mayor Harris and Council Member Dowe.

COUNCIL: With respect to the Closed Meeting just concluded, Mr. Cutler moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Ms. McDaniel and adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, and Vice-Mayor Fitzpatrick-----5.

NAYS: None-----0.

(Mayor Harris and Council Member Dowe were absent.)

SCHOOLS-ARMORY/STADIUM-FLOOD REDUCTION/CONTROL-ROANOKE CIVIC CENTER: The Assistant City Manager for Operations advised that the Director of Civic Facilities reports that the Victory Stadium field can be marginally playable, with some saturated areas, by Friday, October 8, 2004; however, in view of concerns regarding the general environment, i.e.: fencing, crowd control, ticketing, etc., the Acting Superintendent of Schools and the Principal of Patrick Henry High School have made the decision to hold the Patrick Henry High School Homecoming football game at Heritage High School in Lynchburg, Virginia, on Friday, October 8, 2004, with the goal of playing football at Victory Stadium on Friday, October 15.

OATHS OF OFFICE-COMMITTEES-CITY EMPLOYEES: The Mayor advised that there is a vacancy on the Personnel and Employment Practices Commission due to the resignation of Tamara Asher and called for nominations to fill the vacancy.

Mr. Lea placed in nomination the name of Gregory W. Staples.

There being no further nominations, Mr. Staples was appointed as a member of the Personnel and Employment Practices Commission, to fill the unexpired term of Tamara Asher, ending June 30, 2007, by the following vote:

FOR MR. STAPLES: Council Members Lea, McDaniel, Wishneff, Cutler, and Vice-Mayor Fitzpatrick-----5.

(Mayor Harris and Council Member Dowe were absent.)

Inasmuch as Mr. Staples is not a resident of the City of Roanoke, Mr. Lea moved that the City residency requirement be waived in this instance. The motion was seconded by Mr. Cutler and adopted.

At 5:50 p.m., the Vice-Mayor declared the Council meeting in recess until Wednesday, October 13, 2004, at 12:00 noon at the Salem Civic Center, Section 3, 1001 Boulevard, Salem, Virginia, for the Regional Leadership Summit with General Assembly representatives to discuss key legislative issues.

The City Council meeting reconvened on Wednesday, October 13, 2004, at 12:00 noon at the Salem Civic Center, Section 3, 1001 Boulevard, Salem, Virginia, for a meeting of representatives of the Regional Leadership Summit.

PRESENT: Council Member M. Rupert Cutler-----1.

ABSENT: Council Members Alfred T. Dowe, Jr., Beverly T. Fitzpatrick, Jr., Sherman P. Lea, Brenda L. McDaniel, Brian J. Wishneff and Mayor C. Nelson Harris-----6.

OFFICERS PRESENT: Jesse A. Hall, Director of Finance; Rolanda B. Russell, Assistant City Manager for Community Development; George C. Snead, Jr., Assistant City Manager for Operations; and Sheila N. Hartman, Assistant City Clerk.

Also present were: Senator John S. Edwards; Josh Myers, Aide to Delegate H. Morgan Griffith; Delegate William H. Fralin, Jr.; Wayne G. Strickland, Secretary, Fifth Planning District Regional Alliance; and members of City Councils/Boards of Supervisors and staff of the following localities: Alleghany County, Botetourt County, Franklin County, Roanoke County, City of Covington, City of Salem, and Town of Vinton.

LEGISLATION: Mr. Strickland presented the following 2005 Regional Legislative Agenda:

EDUCATION: The General Assembly should fully fund the Standards of Quality. The Commonwealth has an obligation to fund the Standards of Quality on the basis of realistic costs -- reflecting actual education practices to include capital, operating and maintenance costs.

TAXING AND FUNDING: The 2004 General Assembly passed the Personal Property Tax Relief Act (PPTRA). The provisions of this legislation will directly affect several communities in this region. Some issues of concern associated with the Act are:

- There is no provision to reimburse localities for PPTRA during the period January 1 through June 20, 2006, relevant to either delinquent accounts or current year installment payments due within this time period.
- The requirement that localities adopt a multi-tiered tax structure will force many local governing bodies to raise the rate each year due principally to uncontrollable demographic factors such as population growth.
- With institution of the new tax rate system, no provision has been made to correct for either overages or shortages if the locality's tax rate(s) are not truly revenue neutral.
- Affected local governments will incur a substantial amount of time and expense to make programming changes in order to accommodate revisions to the PPTRA.

- A substantial number of taxpayers whose vehicles are assessed at less than \$1,000.00 will not be put back on the tax rolls.
- The burden of explaining the new legislation to citizens (including why the tax rate and/or percentage of relief will vary among surrounding localities) will be difficult.

Funding for Virginia's Regional Competitiveness Program (RCP) was eliminated in 2002; the General Assembly needs to fund this important program. The Commonwealth established the RCP in 1996 and since that time more than 227 regional projects throughout Virginia have been supported by RCP funds; 31 projects have been supported in the Roanoke Valley-Alleghany Region using RCP funds; each dollar of RCP funds have been leveraged with \$19.00 of non-state funds, and has supported regional industrial parks, workforce development/education, tourism and infrastructure development.

The Commonwealth of Virginia needs to move aggressively to reform its tax system. Three study commissions were established to examine the problem of funding state and local governments and as yet there has been no major movement toward tax reform. The General Assembly should continue to work diligently on reforming the State's tax system to ensure that Virginia's tax system is fair and aligns service delivery responsibilities with revenue sources at the State and local level.

LOCAL AUTHORITY: The General Assembly should not pass legislation that takes away local government authority over land use issues. For example, legislation has been proposed that will require manufactured housing to be permitted "by right" in all residential zoning districts. Such legislation would directly affect the power of local councils and boards to control land use in their communities.

TRANSPORTATION: The General Assembly should:

- Require the Virginia Department of Transportation (VDOT) to find a funding mechanism to expedite the widening/improvements to Interstate 81, the economic lifeblood of western Virginia; improvements will enhance safety and promote the economy of the region.
- Fund the Smart Road outside of VDOT funds allocated to the Salem Transportation District; approximately 35 per cent of the funds allocated to the Salem District will be used to pay for the Smart Road, an economic benefit for the entire Commonwealth and the nation.

- Plan for the development of rail freight along I-81 to complement the widening of the interstate with the purpose of moving a large volume of the long-distance freight traffic from trucks to freight trains on dual track, high-speed rails parallel to I-81.
- Fund implementation of passenger rail service in the Roanoke to Bristol corridor, to provide a good multi-modal addition to highways and airports currently serving the region.

UPDATE-SENATE BILL 5005: Elmer Hodge, Roanoke County Administrator, presented the following concerns regarding the status of implementation of SB 5005:

- (1) The 2006 State budget is short \$250 million, representing payments that are owed to localities that bill personal property taxes in the Spring, and a budget amendment needs to be introduced that will add the money back to the budget.
 - The current promise to pay the Spring billers in July of 2006 is a one year promise at best as contained in the appropriation language, not the legislation; and localities are in danger of losing \$10.5 million of budgeted revenues annually.
 - At best, if it is simply a cash flow problem, there will be a need to cover \$10.5 million for up to a three month period (April – June).
- (2) Localities will be required to adopt two or more tax rates each year, and list each rate on the bill.
 - The computation to arrive at the “reduced rate” will require estimation for the effect of pro-ration, which will involve risk of over/under collection.
 - The “reduced rate” will increase every year, making it appear that the local government is increasing the tax rate.

Mr. Hodge advised that the legislation affects the on-going operation of about one-third of the localities; the State wants to shift the reimbursement of the personal property taxes to the localities some 60-75 days later, which could be as late as August of the next fiscal year, rather than the current two to four day time period of the fiscal year; there is the possibility of a cash flow lag and a locality could be in technical default according to State law if the locality cannot make payments from their reserves, thus having a negative impact on their bond rating.

In addition, he stated that if the tax dollars are not delivered, localities could end their fiscal year with a deficit, which they cannot do legally; and another concern is the actual computation of the tax rate that will be shown on the tax bill, making calculations through assumptions (either over valuing or under valuing personal property). He added that these computations and calculations will necessitate a change in a locality's computer programs; in addition, calculations would need to be made from year to year to anticipate what the tax rates would be in order to supplement the caps set by the State.

He recommended that each locality include this critical issue in their legislative agenda for review, and require the General Assembly to address the matter by stating, in writing, what the legislature will do to address the problem.

Jesse A. Hall, Director of Finance, stated that House Bill 1174, which was enacted last year, and effective July 1, 2005, deals with restructuring taxation on the telecommunications industry. He noted that the intent of the legislation is to establish a new method of taxation to replace taxes and fees which will be repealed; i.e.: local consumer utility tax on consumers of local exchange and wireless services, gross receipts tax in excess of 0.5 per cent, the Virginia Relay Center Assessment, and state and local E-911 taxes and fees; the new tax would be imposed at a rate approximating the combined State and local sales tax rate and the new 911 tax and fee would not exceed \$0.75 per line; and the 2005 legislation would set forth a distribution methodology for these revenues so that the State and local governments would receive at least as much revenues as they received in fiscal year 2004. He stated that the Auditor of Public Accounts will be required to determine revenues received by the Commonwealth and its localities from taxes and fees during fiscal year 2004 and determine whether the intended tax rates would be sufficient to replace revenues from the repealed taxes, and, if reviews are not sufficient, the General Assembly will not proceed with telecommunications tax restructuring legislation in the 2005 Session. In addition, he advised that a joint subcommittee has been working with representatives of industry and local governments to continue to develop recommendations concerning the following: an authority or third party to receive and disburse revenues to the State and individual local governments; a distribution methodology for apportioning the revenues; and a centralized and uniform method for auditing the revenues produced by taxes and fees. He noted that the subcommittee will report its findings and recommendations to the Chairs of the House and Senate Committees no later than November 15, 2004.

Mr. Hodge requested that area localities work together to address these serious concerns with their legislators.

Mr. Strickland stated that the General Assembly should:

- Address issues related to the PPTRA in the 2005 Session to ensure that the Act will not place an undue burden on those communities affected by the legislation.

- Eliminate the distinction in taxing authority of Virginia's cities and counties, namely counties should possess the same authority as cities to levy taxes on tobacco products, lodging, meals and admissions.
- Not limit or restrict existing local revenue sources.
- Continue to work on tax reform

COMMENTS BY LEGISLATORS:

Senator Edwards advised that there has been the greatest increase of funding in the history of the Commonwealth of Virginia for public education (\$1.5 billion) which was part of the Tax Reform Plan; the glitch of funding for localities – \$21 million affecting the Roanoke Valley and \$250 million affecting localities statewide; and the Governor is working on the matter and will submit a plan to address concerns/mistakes. He expressed regret that the Regional Competitiveness Program was not fixed this year inasmuch as there have been three years of short falls; some positive actions have been taken such as the increase in the personal exemption, and about 140,000 people will no longer have to file a tax return.

He further stated that the six-year transportation plan was cut by 28 per cent over the past two years; there are two ways to solve the transportation problem – tolls or taxes (gas tax); tolls on cars would not work and would not be supported in the General Assembly, and tolls on trucks would be problematic. He added that revenues from the gas tax are inadequate; there is a proposal of a tax increase of \$.03 per gallon of gas at the pump, and that amount plus the five and one-half per cent tax at the wholesale level, would raise about \$1.6 billion. He stated that last year, the sales tax issue was resolved, and the tax reform plan helped to resolve certain other problems; it is hoped that legislators will address the transportation problem during the upcoming session of the General Assembly, and the matter should be handled on a statewide basis, rather than on a regional basis. He noted that the problem with Interstate 81 (I-81) is not cars, but trucks, in particular the 70 per cent of long-haul trucks that pass through the state; transferring long-haul freight to rail service would greatly improve the situation; the cost of freight rail service could be offset by a surcharge on freight; and on-time delivery problems could be addressed by improvements to train infrastructure. He stated that the widening of lanes on I-81 would not completely solve the problem with trucks; and encouraged continued regional development and cooperation.

Josh Myers, Aide to Delegate H. Morgan Griffith, stated that he would relate the concerns expressed by the group to Delegate Griffith; and Delegate Griffith is aware of tax relief issues and has offered his assistance to solve the problems. He asked that additional information or concerns be forwarded to him.

Delegate Fralin, stated that he has enjoyed working with local representatives; regionalism is important, future redistricting of representatives will require localities to continue to work together regionally; and there have been significant increases in funding for education. He noted that a work group has been established to address the tax "glitch", and it is important that localities be held harmless; and it was not the intent of the legislature to cause problems or to penalize localities. He further noted that tax reform issues need to be addressed; he is a member of a House Task Force special committee appointed to study transportation issues, and it is hoped that a variety of solutions will be proposed. He stated that Virginia is a donor state and he will work with Federal legislators to ensure that Virginia receives its fair share of the Federal gas tax. He advised that he was proud to represent the Roanoke area and requested that local representatives contact him with regard to issues of concern.

Joseph McNamara, Chair, Roanoke County Board of Supervisors, stated that the funding short fall is a big issue; localities need guarantees; it is important that legislation be laid out in specific and exact terms, tax restructuring is placing local politicians in a bad position; and localities need the full one per cent sales tax increase option.

OTHER BUSINESS/ANNOUNCEMENTS:

Mr. Strickland stated that the next Mayors and Chairs meeting will be held on December 2, and Craig County has extended an invitation to host the Spring meeting, with the date and location to be announced at a later date.

There being no further business, the meeting of Roanoke City Council was adjourned at 1:45 p.m.

A P P R O V E D

ATTEST:

Mary F. Parker
City Clerk

Beverly T. Fitzpatrick, Jr.
Vice-Mayor

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